



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA-2020-C-1309]

Listing of Color Additives Exempt from Certification; Spirulina Extract; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA or we) is confirming the effective date of December 13, 2022, for the final rule that appeared in the *Federal Register* of November 10, 2022, and that amended the color additive regulations to provide for the safe use of spirulina (*Arthrospira platensis*) extract as a color additive in alcoholic beverages with less than 20 percent alcohol-by-volume content, non-alcoholic beverages, condiments and sauces, dips, dairy product alternatives (identified as non-dairy yogurt alternatives, non-dairy frozen desserts, and non-dairy puddings), salad dressings, and seasoning mixes (unheated).

DATES: The effective date of final rule published in the *Federal Register* of November 10, 2022 (87 FR 67785) is confirmed as December 13, 2022.

ADDRESSES: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and insert the docket number found in brackets in the heading of this final rule into the “Search” box and follow the prompts, and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Stephanie A. Hice, Center for Food Safety and Applied Nutrition, Food and Drug Administration (HFS-255), 5001 Campus Dr., College Park, MD 20740, 301-348-1740.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of November 10, 2022 (87 FR 67785), we amended the color additive regulations in §73.530 *Spirulina extract* (21 CFR 73.530) to provide for the safe use of spirulina extract as a color additive in alcoholic beverages with less than 20 percent alcohol-by-volume content, non-alcoholic beverages, condiments and sauces, dips, dairy product alternatives (identified as non-dairy yogurt alternatives, non-dairy frozen desserts, and non-dairy puddings), salad dressings, and seasoning mixes (unheated) at levels consistent with good manufacturing practice.

We gave interested persons until December 12, 2022, to file objections or requests for a hearing. We received no objections or requests for a hearing on the final rule. Therefore, we find that the effective date of the final rule that published in the *Federal Register* of November 10, 2022, should be confirmed.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Foods, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e) and under authority delegated to the Commissioner of Food and Drugs, we are giving notice that no objections or requests for a hearing were filed in response to the November 10, 2022, final rule. Accordingly, the amendments issued thereby became effective December 13, 2022.

Dated: March 13, 2023.

Lauren K. Roth,

Associate Commissioner for Policy.

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